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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

FORSELL

Atty. Ref.: 2333-72

Patent No. 6,915,165

Group: 3738

Filed: June 29, 2001

Examiner: Landrem, K.R.

For: INTESTINE DYSFUNCTION TREATMENT
APPARATUS

* * * * *

September 29, 2005

Commissioner of Patents and Trademarks

Mail Stop: Petitions

P.O. Box 1450

Alexandria, VA 22313

**PETITION UNDER 37 CFR §1.183 FOR
CORRECTION OF ASSIGNMENT DATA**

Sir:

Pursuant to the provisions of 37 CFR §1.183, Applicant hereby requests that the requirements of 37 CFR §3.81(b) be waived so that the error of providing assignment data in Item 3 of the Issue Fee Transmittal Form PTOL-85B, submitted on March 17, 2005 to pay the Issue Fee and Publication Fee due in application Serial No. 09/893,510, filed June 29, 2001 ("the '510 application"), the application underlying the above-identified U.S. Patent No. 6,915,165 ("the '165 patent"), can be corrected by deleting the name of the Assignee provided on that Transmittal Form, since no assignment for the '510

FORSELL
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application/ '165 patent, has been recorded in the U.S. Patent Office, as required by 37

CFR §3.81(a). In support of this petition, the undersigned states:

(1) that the inclusion of assignee data in Item 3 of the PTOL-85B Transmittal

Form for the '510 application was inadvertent;

(2) that a credit card payment form for payment of the Petition Fee set forth in 37

CFR §1.17(h) is included with this Petition; and

(3) that there is no Notice of Recordation of Assignment Document for the '510

application/165 patent, since no assignment was submitted for recordation in the Patent

Office for such application/patent. A copy of a USPTO printout stating that Assignment

Data is not available for Patent No. 6,915,165 is attached instead as Attachment A.

BACKGROUND

On August 24, 2005, the undersigned filed with the Patent Office a Request for a Certificate of Correction, requesting that, on the title page of the '165 patent, item "73" "Assignee: Obtech Medical AG, Zugerstrasse (CH)" be deleted, since no assignment for the '510 application/165 patent has been recorded in the Patent Office. Submitted with that Request was a draft Official Certificate for Correction for use by the Patent and Trademark Office and a printout from the Patent and Trademark Office database for Assignments, stating that assignment data was not available for Patent No. 6,915,165.

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On September 12, 2005, a Decision was issued by the Patent Office denying the Request for the Certificate of Correction because assignment data had been included in Item 3 of the Issue Fee Transmittal Form PTOL-85B submitted in this application on March 17, 2005. The September 12, 2005 Decision set forth the need to file this Petition under 37 CFR §1.183 and the requirements for the Petition. A copy of the September 12, 2005 Decision is attached as Attachment B.

CERTIFICATE OF CORRECTION

Submitted with this Petition are (1) a Request for a Certificate of Correction pursuant to 37 CFR §1.323, (2) a draft Official Certificate of Correction for use by the Patent Office for correcting the assignment data error on the '165 patent, assuming that this Petition is granted, and (3) a credit card payment form for payment of the fee for consideration of a Request for a Certificate of Correction under the provisions of 37 CFR §1.323 and 37 CFR §1.20(a).

As suggested by the Decision of September 12, 2005, Applicant further requests that the file for this matter be forwarded to Certificates of Corrections Branch, the issuance of a Certificate of Correction, if this Petition is granted.

Although it is believed that the appropriate required fees are enclosed, the Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted

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to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Deposit Account No. 14-1140.

NIXON & VANDERHYE P.C.

By: Robert A. Molan

Robert A. Molan
Reg. No. 29,834

RAM:dt

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Assignments on the Web > Patent Query

Assignment Data Not Available

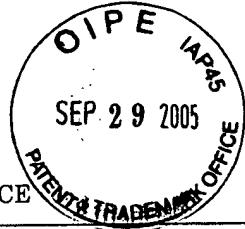
For Patent Number: 6915165

If you have any comments or questions concerning the data displayed, contact OPR / Assignments at 703-308-9723

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RAW 2333-72



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

Dated : September 12, 2005
Patent No. : 6,915,165
Inventor(s) : Forsell
Issued : July 5, 2005
Title : INTESTINE DYSFUNCTION TREATMENT APPARATUS
Docket No.: 2333-72

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a petition, under 37 CFR 1.183, requesting the requirements of 37 CFR 3.81(b) to be waived, is required to correct applicant's error providing incorrect or erroneous assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 (*see Manual of Patent Examining Procedures (M.P.E.P) Chp. 1400, sect. 1481*). This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request, in this matter, is hereby denied.

A petition to correct the Assignee under 37 CFR 1.183 should include:

- A. the petition fee set forth in 37 CFR 1.117(h) (currently \$130);
- B. a request that 37 CFR 3.81(a) be waived to permit the correct name of the assignee to be provided;
- C. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
- D. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Petition, Applicant(s) may request that the file is forwarded to Certificates of Correction Branch, for issuance of a Certificates of Correction, if the Petition is granted.

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My petition under 37 CFR 1.183 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Fax: (703) 308-6916
Attn.: Office of Petitions

If a fee (currently \$100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Stacy Powell, Sr.
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308 - 9390 or (703) 305-8309

Nixon & Vanderhye P.C.
(Robert A. Molan)
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CBN/spsr

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of

FORSELL

Atty. Ref.: 2333-72

Patent No. 6,915,165

Issued: July 5, 2005

For: INTESTINE DYSFUNCTION TREATMENT APPARATUS

* * * * *

September 29, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

**REQUEST FOR A CERTIFICATE OF
CORRECTION PURSUANT TO 37 CFR §1.323**

The patentee in the above-identified U.S. Patent No. 6,915,165 ("the '165 patent") hereby requests that the Patent and Trademark Office issue an official Certificate of Correction pursuant to 37 C.F.R. §1.323 for the following error made by Applicant.

On the Title page of the '165 patent, item (73) "Assignee: Obtech Medical AG, Zugerstrasse (CH)" should be deleted.

Attached hereto as Attachment A is a draft Official Certificate of Correction for use by the Patent and Trademark Office correcting the above-identified error.

The fee required by 37 CFR §1.20(a) is included in the credit card payment form accompanying this submission.

The Commissioner is hereby authorized to charge any deficiency in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper

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hereafter filed in this application by this firm) to our **Account No. 14-1140**. A duplicate copy of this sheet is attached.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By: Robert A. Molan
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,915,165
DATED : July 5, 2005
INVENTOR(S) : FORSELL

It is certified that errors appear in the above-identified patent and that said letters patent is hereby corrected as shown below:

On the Title page, item (73) "Assignee: Obtech Medical AG, Zugerstrasse (CH)" should be deleted.

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MAILING ADDRESS OF SENDER:

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PATENT NO.

6,915,165

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